

ECF

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07013-RJH

Pena et al v. SP Payroll, Inc. et al
Assigned to: Judge Richard J. Holwell
Cause: 29:201 Fair Labor Standards Act

Date Filed: 08/06/2007
Jury Demand: Defendant
Nature of Suit: 710 Labor: Fair
Standards
Jurisdiction: Federal Question

Plaintiff

Angelo Pena
individually and on behalf of others
similarly situated

represented by **Michael Antonio Faillace**
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LEAD ATTORNEY
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Plaintiff

Rolando Rojas
individually and on behalf of others
similarly situated

represented by **Michael Antonio Faillace**
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Plaintiff

Jose Diroche
individually and on behalf of others
similarly situated

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Plaintiff

Frank Santana
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Plaintiff

Edison Alvarez

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Plaintiff

Jesus De Arce Reyes

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Plaintiff

Miguel Alcantara

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Plaintiff

Christian Santos Vargas

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Plaintiff

Victor Gonzalez

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Plaintiff

Miguel Garcia

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Plaintiff

Luis Luna

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Plaintiff

Miguel Rojas

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V.

Defendant

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Defendant

Nicholas Parking, Corp.

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Jacquelyn Georgette White
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Defendant

IVY Parking, Corp.

represented by **Peter Arnold Walker**
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Jacquelyn Georgette White
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Defendant

Bienvendio, LLC.

represented by **Peter Arnold Walker**
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Jacquelyn Georgette White
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Defendant

Castle Parking Corp.

represented by **Peter Arnold Walker**
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Jacquelyn Georgette White
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ATTORNEY TO BE NOTICED

Defendant

Sage Parking Corp.

represented by **Peter Arnold Walker**
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Jacquelyn Georgette White
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Defendant

Sam Podolak

represented by **Peter Arnold Walker**
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Jacquelyn Georgette White
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ATTORNEY TO BE NOTICED

ADR Provider

Patricio Garcia

represented by **Michael Antonio Faillace**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/06/2007	<u>1</u>	COMPLAINT against Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp. (Filing Fee \$ 350.00, Receipt Number 628944) Document filed by Angelo Pena, Rolando Rojas, Jose Diroche, Frank Santana.(jeh) Additional attachment (s) added on 8/10/2007 (Becerra, Maribel). (Entered: 08/08/2007)
08/06/2007		SUMMONS ISSUED as to Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp. (jeh) (Entered: 08/08/2007)
08/06/2007		Case Designated ECF. (jeh) (Entered: 08/08/2007)
08/06/2007		Magistrate Judge Michael J. Dolinger is so designated. (jeh) (Entered: 08/08/2007)
08/14/2007	<u>2</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE FLSA. Document filed by Edison Alvarez.(Faillace, Michael) (Entered: 08/14/2007)
08/14/2007	<u>3</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE FLSA.

		Document filed by Jesus De Arce Reyes.(Faillace, Michael) (Entered: 08/14/2007)
08/16/2007	<u>4</u>	SUMMONS RETURNED EXECUTED. Sam Podolak served on 8/13/2007, answer due 9/4/2007. Service was accepted by Italo Cardenas, coworker of defendant. Document filed by Edison Alvarez; Angelo Pena; Jesus De Arce Reyes; Rolando Rojas; Jose Diroche; Frank Santana. (Faillace, Michael) (Entered: 08/16/2007)
08/16/2007	<u>5</u>	SUMMONS RETURNED EXECUTED. Bienvendio, LLC. served on 8/13/2007, answer due 9/4/2007. Service was accepted by Italo Cardenas, coworker of defendant. Document filed by Edison Alvarez; Angelo Pena; Jesus De Arce Reyes; Rolando Rojas; Jose Diroche; Frank Santana. (Faillace, Michael) (Entered: 08/16/2007)
08/17/2007	<u>6</u>	SUMMONS RETURNED EXECUTED. IVY Parking, Corp. served on 8/13/2007, answer due 9/4/2007. Service was accepted by Italo Cardenas, coworker of defendant. Document filed by Edison Alvarez; Angelo Pena; Jesus De Arce Reyes; Rolando Rojas; Jose Diroche; Frank Santana. (Faillace, Michael) (Entered: 08/17/2007)
08/17/2007	<u>7</u>	SUMMONS RETURNED EXECUTED. Nicholas Parking, Corp. served on 8/13/2007, answer due 9/4/2007. Service was accepted by Italo Cardenas, coworker of defendant. Document filed by Edison Alvarez; Angelo Pena; Jesus De Arce Reyes; Rolando Rojas; Jose Diroche; Frank Santana. (Faillace, Michael) (Entered: 08/17/2007)
08/17/2007	<u>8</u>	SUMMONS RETURNED EXECUTED. SP Payroll, Inc. served on 8/13/2007, answer due 9/4/2007. Service was accepted by Italo Cardenas. Document filed by Edison Alvarez; Angelo Pena; Jesus De Arce Reyes; Rolando Rojas; Jose Diroche; Frank Santana. (Faillace, Michael) (Entered: 08/17/2007)
09/06/2007	<u>9</u>	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 11/16/2007 at 10:30 AM in Courtroom 17B, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Holwell. (Signed by Judge Richard J. Holwell on 8/17/07) (kco) (Entered: 09/06/2007)
09/07/2007	<u>10</u>	STIPULATION AND ORDER: the time for defendants to answer, move or otherwise respond to the complaint is extended to 9/18/07. Bienvendio, LLC. answer due 9/18/2007; Castle Parking Corp. answer due 9/18/2007; Sage Parking Corp. answer due 9/18/2007; Sam Podolak answer due 9/18/2007; SP Payroll, Inc. answer due 9/18/2007; Nicholas Parking, Corp. answer due 9/18/2007; IVY Parking, Corp. answer due 9/18/2007. (Signed by Judge Richard J. Holwell on 9/6/07) (db) (Entered: 09/07/2007)
09/18/2007	<u>11</u>	FILING ERROR - WRONG PDF ASSOCIATED WITH DOCUMENT ENTRY - (SEE DOCUMENT # 12) - RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp.. (Attachments: # <u>1</u> Certificate of Service)(Walker, Peter) Modified on 9/24/2007 (GF). (Entered: 09/18/2007)

09/18/2007	<u>12</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp.. (Attachments: # <u>1</u> Certificate of Service)(Walker, Peter) (Entered: 09/18/2007)
09/18/2007	<u>13</u>	ANSWER to Complaint with JURY DEMAND. Document filed by Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp.. (Attachments: # <u>1</u> Certificate of Service)(Walker, Peter) (Entered: 09/18/2007)
09/18/2007	<u>14</u>	NOTICE OF APPEARANCE by Peter Arnold Walker on behalf of Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp. (Walker, Peter) (Entered: 09/18/2007)
09/18/2007	<u>15</u>	NOTICE OF APPEARANCE by Jacquelyn Georgette White on behalf of Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp. (White, Jacquelyn) (Entered: 09/18/2007)
09/19/2007	<u>16</u>	DEMAND for Trial by Jury. Document filed by Bienvendio, LLC., Castle Parking Corp., Sage Parking Corp., Sam Podolak, SP Payroll, Inc., Nicholas Parking, Corp., IVY Parking, Corp.(Walker, Peter) (Entered: 09/19/2007)
09/28/2007	<u>17</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE F.L.S.A.. Document filed by Miguel Alcantara.(Faillace, Michael) (Entered: 09/28/2007)
10/01/2007	<u>18</u>	JOINT DISCOVERY PLAN: Joinder of Parties due by 10/31/2007. Amended Pleadings due by 10/31/2007. Last day to exchange Rule 26(a)(1) disclosures: 10/12/2007. Phase I fact discovery and motions for class certification and notice to any putative class due 12/17/2007. Dft's opposition to Plts' motions for class certification and notice to any class due by 1/15/2008, Close opt-in class thirty days after notices sent. Phase II fact discovery, designation of plts' expert and service of any expert reports due by 4/4/2008. Dfts to make any Rule 26(a)(2) disclosure and serve any expert reports by 4/30/2008. All Expert Discovery due by 5/10/2008. Dispositive Motions due by 5/15/2008. Responses due by 6/6/2008, Replies due by 6/16/2008. Final Pretrial Order due by 6/30/2008. Plts demand trial by jury, and dfts do not dispute that this matter should be tried by one. Ready for Trial by 7/18/2008. The parties do not consent to this case proceeding before a Magistrate Judge. Status Conference set for 4/18/2008 at 10:00 AM before Judge Richard J. Holwell. (Signed by Judge Richard J. Holwell on 9/28/2007) (jar) (Entered: 10/01/2007)
10/03/2007	<u>19</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE F.L.S.A.. Document filed by Christian Santos Vargas.(Faillace, Michael) (Entered: 10/03/2007)
10/03/2007	<u>20</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE F.L.S.A.. Document filed by Victor Gonzalez.(Faillace, Michael) (Entered: 10/03/2007)
10/03/2007	<u>21</u>	ORDER CASE ELIGIBLE FOR MEDIATION...the above-entitled action is eligible for mediation, pursuant to the Civil Justice Expense and Delay

		Reduction Plan. This action is eligible for mediation subject to the limitations and restrictions as noted: ALL ISSUES ARE ELIGIBLE. (Signed by Judge Richard J. Holwell on 10/2/07) (tro) (Entered: 10/03/2007)
10/04/2007	<u>22</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE F.L.S.A.. Document filed by Miguel Garcia.(Faillace, Michael) (Entered: 10/04/2007)
10/12/2007	<u>23</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE FLSA. Document filed by Luis Luna.(Faillace, Michael) (Entered: 10/12/2007)
10/30/2007	<u>24</u>	CONSENT TO BECOME PARTY PLAINTIFF UNDER THE F.L.S.A.. Document filed by Miguel Rojas.(Faillace, Michael) (Entered: 10/30/2007)
11/21/2007	25	NOTICE SELECTING MEDIATOR - Notice of selection of mediator.(sc) (Entered: 11/21/2007)
03/27/2008	<u>26</u>	CONSENT TO BECOME PARTY PLAINTIFF. Document filed by Patricio Garcia.(Faillace, Michael) (Entered: 03/27/2008)
04/18/2008		Minute Entry for proceedings held before Judge Richard J. Holwell: Interim Pretrial Conference held on 4/18/2008, (Final Pretrial Conference set for 10/31/2008 at 02:30 PM before Judge Richard J. Holwell, Jury Trial set for 11/10/2008 at 10:00 AM before Judge Richard J. Holwell.)Discovery issues discussed; FPTC set for 10/31/08 at 2:30pm; Trial set for 11/10/08 at 10:00am; Defense counsel is directed to submit to the Court trial scheduling report. (jw) (Entered: 04/25/2008)
04/30/2008	<u>27</u>	ENDORSED LETTER addressed to Judge Richard J. Holwell from Peter A. Walker dated 4/23/08 re: Counsel to all defendants in this action submit this letter to the Court, with a copy to Mr. Faillace, so that Your Honor could "so order" the following schedule for this case: All fact discovery will close on 5/16/08. Neither party intends to retain an expert and thus there shall be no expert discovery; Any motion for summary judgment shall be served and filed no later than 6/13/08; Answering papers to any motion for summary judgment shall be served and filed no later than 7/11/08; Any reply papers to any motion for summary judgment shall be served and filed no later than 7/18/08; The parties' pretrial order, pretrial memorandum of law and motions in limine shall be served and filed no later than 10/3/08; The parties shall served each other and submit their exhibits in black binders to the Court no later than 10/3/08; Any response to a motion in limine shall be served and filed no later than 10/10/08; Since the parties have agreed to a bench trial, proposed findings of fact and conclusions of law shall be served and filed no later than 10/17/08; The trial of the action will commence on 11/10/08; A final pretrial conference shall be held on 10/31/08 at 2:30 p.m. ENDORSEMENT: So Ordered. (Discovery due by 5/16/2008. Motions due by 6/13/2008. Responses due by 7/11/2008, Replies due by 7/18/2008. Pretrial Order due by 10/3/2008. Pretrial Conference set for 10/31/2008 at 02:30 PM before Judge Richard J. Holwell.) (Signed by Judge Richard J. Holwell on 4/28/08) (ae) (Entered: 04/30/2008)
05/20/2008	<u>28</u>	ENDORSED LETTER addressed to Judge Richard J. Holwell from Michael Faillace dated 5/16/2008 re: Counsel respectfully request that the Court grant them the Courtesy extending the discovery schedule. ENDORSEMENT: All pre-trial scheduling date extended by 30 days. No further extensions absent

	extraordinary circumstances. So Ordered. (Signed by Judge Richard J. Holwell on 5/20/2008) (jfe) (Entered: 05/20/2008)
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